

David Brandenburg

March 18, 2025
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<p>1 A P P E A R A N C E S</p> <p>2 FOR THE PLAINTIFF, SOUTHWEST AIRLINES COMPANY:</p> <p>3 MR. LAWRENCE MORALES, II</p> <p>4 THE MORALES FIRM</p> <p>5 6243 W. Interstate 10, Suite 132</p> <p>6 San Antonio, Texas 78201</p> <p>7 210.225.0811, 210.225.0821 fax</p> <p>8 lawrence@themoralesfirm.com</p> <p>9 and</p> <p>10 MR. M. ROY GOLDBERG (Admitted Pro Hoc Vice) (By Zoom)</p> <p>11 CLARK HILL</p> <p>12 1001 Pennsylvania Avenue NW</p> <p>13 Suite 1300 South</p> <p>14 Washington, DC 20004</p> <p>15 202.552.2388, rgoldberg@clarkhill.com</p> <p>16 FOR THE WITNESS, DAVID BRANDENBURG:</p> <p>17 MS. LeELLE B. SLIFER</p> <p>18 WINSTON & STRAWN</p> <p>19 2121 N. Pearl, Floor 9</p> <p>20 Dallas, Texas 75201</p> <p>21 817.371.9978, 214.453.6431</p> <p>22 lslifer@winston.com, ewilkinson@winston.com</p> <p>23 FOR THE DEFENDANTS, THE CITY OF SAN ANTONIO, JESUS</p> <p>24 SAENZ, ET AL</p> <p>25 MR. W. ERIC PILSK</p> <p>KAPLAN KIRSCH, LLP</p> <p>1634 I Street NW, Suite 300</p> <p>Washington, DC 20006</p> <p>202.355.0246, epilsk@kaplankirsch.com</p> <p>and</p> <p>MS. DEBORAH KLUN</p> <p>DEPUTY CITY ATTORNEY, LITIGATOR</p> <p>CITY ATTORNEY'S OFFICE</p> <p>CITY OF SAN ANTONIO</p> <p>203 S. St. Mary's Street, 2nd Floor</p> <p>San Antonio, Texas 78201</p> <p>210.207.8919, Deborah.Klun@sanantonio.gov</p>	<p>1 INDEX</p> <p>2</p> <p>3 Page</p> <p>4 Appearances..... 2</p> <p>5 Preliminary Proceedings..... 8</p> <p>6 Examination by MR. MORALES..... 8</p> <p>7 Examination by MR. PILSK..... 193</p> <p>8</p> <p>9 Changes and Signature..... 197</p> <p>10 Reporter's Certification..... 199</p> <p>11</p> <p>12 * * * * *</p> <p>13 EXHIBIT INDEX</p> <p>14 Number Description Page Marked</p> <p>15 Exhibit 1 Ordinance Approving a Professional</p> <p>16 Services Agreement with ANSER Advisory</p> <p>17 Consulting, LLC 11</p> <p>18 Exhibit 2 2021 Airport Master Plan 15</p> <p>19 Exhibit 3 Corgan Program Definition Manual,</p> <p>20 Advance Terminal Planning Program</p> <p>21 Volume 2 18</p> <p>22 Exhibit 4 Corgan New Terminal Programming</p> <p>23 June 16, 2023 26</p> <p>24 Exhibit 5 SAAS Strategic Development Plan</p> <p>25 Phase II Milestone 1 Survey</p> <p>Summary Report 32</p>
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<p style="text-align: right;">Page 7</p> <p>1 PRELIMINARY PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are now on the record</p> <p>3 on March 18th, 2025 at 11:05 a.m. This is the</p> <p>4 deposition of David Brandenburg being taken in San</p> <p>5 Antonio, Texas, in the matter of Southwest Airlines</p> <p>6 versus The City of San Antonio, Texas, et al. Filed in</p> <p>7 the U.S. District Court for the Western District of</p> <p>8 Texas, San Antonio Division. And will all Counsel</p> <p>9 please state your appearances for the record.</p> <p>10 MR. MORALES: Lawrence Morales for Southwest</p> <p>11 Airlines.</p> <p>12 MS. SLIFER: LeElle Slifer --</p> <p>13 MR. GOLDBERG: Roy Goldberg -- I'm sorry.</p> <p>14 Go ahead.</p> <p>15 MS. SLIFER: Sorry. Go ahead, Roy.</p> <p>16 MR. GOLDBERG: Roy Goldberg, also, for</p> <p>17 Southwest Airlines.</p> <p>18 MS. SLIFER: LeElle Slifer with Winston</p> <p>19 Strawn, on behalf of the Deponent.</p> <p>20 MR. PILSK: Eric Pilsch from Kaplan Kirsch,</p> <p>21 on behalf of Defendants.</p> <p>22 MS. KLUN: Debbie Klun, on behalf of the</p> <p>23 Defendants.</p> <p>24 THE VIDEOGRAPHER: Will the Court Reporter</p> <p>25 please swear in the Witness.</p>	<p style="text-align: right;">Page 9</p> <p>1 finish your answer before I start, so we're not talking</p> <p>2 over each other. Does that work for you?</p> <p>3 A. Yes.</p> <p>4 Q. All right. If you have any uncertainty or</p> <p>5 questions about my question, if anything is unclear, let</p> <p>6 me know, and I'll do my best to rephrase it. Okay?</p> <p>7 A. I will.</p> <p>8 Q. And we had a four hour limit today to accommodate</p> <p>9 Counsel's schedule. We're going to try to take as short</p> <p>10 of breaks as we need to to get everybody out on time.</p> <p>11 If you need a break for some reason, let me know.</p> <p>12 I only ask that you finish answering the question</p> <p>13 that I've asked at that time, and then we can take a</p> <p>14 break after. Does that work for you?</p> <p>15 A. Sure.</p> <p>16 Q. Okay. Sir, what did you do to prepare for your</p> <p>17 deposition today?</p> <p>18 A. Reviewed documents.</p> <p>19 Q. Okay. Did you have -- and I don't want to ask</p> <p>20 about any specific conversations you had with Counsel</p> <p>21 that represents you, but did you have a chance to meet</p> <p>22 with Counsel?</p> <p>23 A. I did.</p> <p>24 Q. All right. And did you have a chance to meet</p> <p>25 with Counsel for the City of San Antonio?</p>

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<p style="text-align: right;">Page 142</p> <p>1 sent this to you on May 1st, 2024. Is this the first</p> <p>2 time that you had seen it?</p> <p>3 A. Yes.</p> <p>4 Q. We know that there was a meeting at the ESC on</p> <p>5 May 3rd, 2024?</p> <p>6 A. Yes.</p> <p>7 Q. Right? And a summary of this chart -- I'm sorry,</p> <p>8 a summary of these worksheets were presented as part of</p> <p>9 that presentation, correct?</p> <p>10 A. I believe so.</p> <p>11 Q. All right. In your other experience, you</p> <p>12 mentioned that we were looking at the e-mail where you</p> <p>13 said "Here are the priorities, based on my experience."</p> <p>14 You know, one is load balancing, and then, two,</p> <p>15 passenger experience, and then three is carrier wants?</p> <p>16 A. Yes.</p> <p>17 Q. You take care of one and two, and three will be</p> <p>18 fine, right?</p> <p>19 A. Yes.</p> <p>20 Q. Are you aware of any other situations where the</p> <p>21 factors that we see in Exhibit Number 23 were considered</p> <p>22 when making gating assignments at an airport facility?</p> <p>23 A. No.</p> <p>24 Q. You're not aware of any?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 144</p> <p>1 have a passenger profile that has a high percentage of</p> <p>2 leisure passengers?</p> <p>3 A. It makes sense.</p> <p>4 Q. And for example, Southwest has more leisure</p> <p>5 passengers on percentage compared to American and</p> <p>6 United. Would you agree with that?</p> <p>7 A. I have no direct knowledge of that.</p> <p>8 Q. Nevertheless, kind of considering whether an</p> <p>9 airline has more business passengers or leisure</p> <p>10 passengers, do you have a view on whether that is a</p> <p>11 proper or improper factor for an airport to consider</p> <p>12 when making gating assignments?</p> <p>13 MR. PILSK: Object to the form. You can</p> <p>14 answer.</p> <p>15 A. I don't understand the question.</p> <p>16 Q. (BY MR. MORALES) You don't understand what</p> <p>17 "passenger profile" means or "improper," "proper," what</p> <p>18 else do you not understand?</p> <p>19 A. I don't understand what they mean by "passenger</p> <p>20 profile" as it relates to "fit."</p> <p>21 Q. Okay. Let's take off the label. Do you believe</p> <p>22 that whether an airline has more business or leisure</p> <p>23 passengers is a proper or improper factor to consider</p> <p>24 when making gating decisions at an airport?</p> <p>25 MS. SLIFER: Object to form.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. Do you have any view, for example, on whether an</p> <p>2 airline's fit into a particular airport is a proper or</p> <p>3 improper factor to be considered when making gating</p> <p>4 decisions?</p> <p>5 MR. PILSK: Object to the form. You can</p> <p>6 answer.</p> <p>7 A. I don't understand what you mean by "fit."</p> <p>8 Q. (BY MR. MORALES) Well, fortunately, somebody</p> <p>9 defined it for us. If we look at Exhibit Number 23, the</p> <p>10 third page, it's CoSA-16199. Do you see that?</p> <p>11 A. 16199, yes.</p> <p>12 Q. It says "'Fit' into SAT relates to desirability</p> <p>13 of passenger profile, business, leisure, mix, et cetera,</p> <p>14 and airline brand position, network, ULCC, established,</p> <p>15 start-up, et cetera." Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Do you have any view on whether considering</p> <p>18 "fit," as it's defined in Exhibit Number 23 is proper or</p> <p>19 improper when making gating decisions at an airport?</p> <p>20 MR. PILSK: Object to the form.</p> <p>21 A. I don't understand what they mean by "fit" here.</p> <p>22 I have a different definition of "fit."</p> <p>23 Q. (BY MR. MORALES) Okay. Well, they say it relates</p> <p>24 to desirability of passenger profile, business, leisure,</p> <p>25 mix, et cetera. Do you understand that some airlines</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. PILSK: Join. Go ahead.</p> <p>2 A. Only to the extent it impacts the balancing of</p> <p>3 the terminal.</p> <p>4 Q. (BY MR. MORALES) And do you have any reason to</p> <p>5 believe that an air carrier's mix of business versus</p> <p>6 leisure passengers impacts balancing?</p> <p>7 A. Yes.</p> <p>8 Q. How so?</p> <p>9 A. Depending on peak-on-peak arrivals and</p> <p>10 departures, the mix of passengers is very important for</p> <p>11 check-in bags, curbside utilization, and security</p> <p>12 checkpoint. For example, typically, your business</p> <p>13 passenger for the Corgan analysis will, either, use an</p> <p>14 Uber or a taxi, where leisure will park in the parking</p> <p>15 garage.</p> <p>16 So, that was all part of the modeling that we</p> <p>17 asked Corgan to look into on what that mix would look</p> <p>18 like, which led to their recommendation.</p> <p>19 Q. Okay. What about whether an airline is a</p> <p>20 network, a ULCC, it's an Ultra Low Cost Carrier,</p> <p>21 established or start-up? What impact does that have, if</p> <p>22 any, on balancing issues?</p> <p>23 A. No impact.</p> <p>24 Q. No impact?</p> <p>25 A. None.</p>